



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/829,563

04/11/2001

Jack V. Smith

7743

7590

01/14/2004

JACK V. SMITH
P.O. BOX 156
Arden, NC 28704

EXAMINER

EPPERSON, JON D

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

1/10/2004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Non-Responsive Amendment (Non-Bonafide)

The reply dated October 23, 2003 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

First, the Examiner notes that Applicant's most recent amendment (i.e., the Amendment filed 10/23/2003) has not been entered. Second, the Examiner notes that Applicant has been advised to seek the services of a registered attorney (e.g., see Paper No. 9, paragraph 1). With regard to Applicant's current amendment (i.e., the Amendment filed 10/23/2003) the Examiner contends that only claims 1-7 are currently pending and, as a result, Applicant cannot cancel claims 1-11 because (a) claims 8-11 are not currently pending and (b) if these claims were canceled, Applicant would be left with no pending claims. Furthermore, the Examiner notes that claims 12-15 also have not been entered and, as a result, Applicant cannot amend or present these claims as original claims (also note that these could never be original claims because they were not originally filed). In addition, Applicant has not addressed any of the issues set forth in Paper Nos. 7 and 9 e.g., even if claims 12-15 were pending (which they are not) they would still not be in compliance because they are drawn to a non-elected invention (see Paper No. 9, paragraphs 6-13 wherein the issue was addressed at length; see also Paper No. 7, paragraphs 3-8).

The Examiner also notes that this application will be ABANDONED after the expiration of the statutory period set out in the Bonafide letter (i.e., Paper No. 9).

Any inquiry concerning this communication should be directed to Examiner Jon D. Epperson, Ph. D., Art Unit 1639, whose telephone number is (703) 308-2423.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-1235.

Jon D. Epperson, Ph.D.
Patent Examiner

RECEIVED
FEBRUARY 10, 2004